

1 PATRICK M. RYAN (SBN 203215)
2 *pryan@bzbm.com*
3 CHAD E. DEVEAUX (SBN 215482)
4 *cdeveaux@bzbm.com*
5 CHRISTOPHER W. GRIBBLE (SBN 285337)
6 *cgribble@bzbm.com*
7 TAYLOR YAMAHATA (SBN 347192)
8 *tyamahata@bzbm.com*
9 BARTKO ZANKEL BUNZEL & MILLER
10 A Professional Law Corporation
11 One Embarcadero Center, Suite 800
12 San Francisco, California 94111
13 Telephone: (415) 956-1900
14 Facsimile: (415) 956-1152
15
16 Attorneys for COUNTY OF SAN MATEO and
17 CHRISTINA CORPUS
18

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

21

22 A.B.O. Comix, Kenneth Roberts, Zachary
23 Greenberg, Ruben Gonzalez-Magallanes,
24 Domingo Aguilar, Kevin Prasad, Malti Prasad,
25 and Wumi Oladipo,
26

27 Plaintiffs,

28 v.

29 County of San Mateo and Christina Corpus, in
30 her official capacity as Sheriff of San Mateo
31 County,
32

33 Defendants.

34 Case No. 3:23-cv-01865-JSC

35 **DECLARATION OF CHAD E. DEVEAUX
36 IN SUPPORT OF DEFENDANTS'
37 ADMINISTRATIVE MOTION FOR
38 LEAVE TO FILE SUR-OPPOSITION TO
39 PLAINTIFFS' MOTION TO REMAND**

40

41

42

43

44

45

46

47

48

49 3042.000/1855666.4

50 Case No. 3:23-cv-01865-JSC

51 **DECLARATION OF CHAD E. DEVEAUX IN SUPPORT OF DEFENDANTS' ADMINISTRATIVE MOTION
52 FOR LEAVE TO FILE SUR-OPPOSITION TO PLAINTIFFS' MOTION TO REMAND**

1 I, Chad E. DeVeaux, declare as follows:

2 1. I am a principal with Bartko Zankel Bunzel & Miller, attorneys of record for
3 Defendants the County of San Mateo (the “County”) and Christina Corpus (collectively
4 “Defendants”), in *A.B.O. Comix, et al. v. Cnty. of San Mateo*, Case No. 23-CIV-01075 (“A.B.O.
5 Comix”). I have personal knowledge of the facts set forth herein, and if called as a witness, I could
6 and would competently testify thereto. I make this declaration in support of Defendants’
7 Administrative Motion for Leave to File Sur-Opposition to Plaintiffs’ Motion to Remand.

8 2. On June 23, 2023 at 2:04 PM, I notified Plaintiffs’ counsel by email that
9 Defendants’ intended to file an Administrative Motion for Leave to File a one-page Sur-
10 Opposition to Plaintiffs’ Motion for Remand. I further notified Plaintiffs’ counsel that Defendants
11 believe that the County’s Counterclaims seeking a declaration that its mail policy does not violate
12 the First, Fourth, or Fourteenth Amendments is a changed circumstance that warrants filing a short
13 sur-response to Plaintiffs’ motion to remand.

14 3. I further asked whether Plaintiffs would stipulate to Defendants’ motion.

15 4. Plaintiffs’ counsel notified me by email on June 23, 2023 at 4:02 PM, that Plaintiffs
16 will not stipulate to Defendants’ administrative motion.

17 5. A true and correct copy of my email June 23, 2023 email correspondence with
18 Plaintiffs’ counsel is attached hereto as **Exhibit A**.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct to the best of my knowledge.

21 Executed on this 26th day of June, 2023, at San Francisco, California.

22 
23

24 Chad E. DeVeaux
25
26
27
28

EXHIBIT A

Chad E. DeVeaux

From: Stephanie C Krent <stephanie.krent@knightcolumbia.org>
Sent: Friday, June 23, 2023 4:02 PM
To: Chad E. DeVeaux; Cara Gagliano; Pilar Gonzalez Morales
Cc: Patrick M. Ryan; Chris W. Gribble; Taylor Yamahata
Subject: Re: A.B.O. Comix v. San Mateo - Request to File Sur-Response to Remand Motion to Address Federal Counterclaims

Chad,

The Court has already filed an order vacating the upcoming hearing and stating that the motion was submitted on the papers. If Defendants knew they planned to file federal counterclaims and believed that to be relevant to the Court's decision, they should have informed us and the Court sooner. We cannot consent to the motion Defendants propose, and do not believe any counterclaims Defendants plan to file are relevant to the Court's analysis.

Stephanie

From: Chad E. DeVeaux <cdeveaux@BZBM.com>
Date: Friday, June 23, 2023 at 5:03 PM
To: Stephanie C Krent <stephanie.krent@knightcolumbia.org>, Cara Gagliano <cara@eff.org>, Pilar Gonzalez Morales <pgonzalez@socialjusticelaw.org>
Cc: Patrick M. Ryan <pryan@BZBM.com>, Chris W. Gribble <cgribble@BZBM.com>, Taylor Yamahata <tyamahata@BZBM.com>
Subject: A.B.O. Comix v. San Mateo - Request to File Sur-Response to Remand Motion to Address Federal Counterclaims

Stephanie,

Later today, along with their motion for judgment on the pleadings, Defendants will be filing Counterclaims seeking declarations that the County's mail policy does not violate the First, Fourth, or Fourteenth Amendments. We believe that this is a changed circumstance that warrants filing a short sur-response to Plaintiffs' motion to remand. We plan to file an administrative motion with the Court seeking leave to file a one-page sur-response addressing the import of the Counterclaims. Would Plaintiffs agree to stipulate to this request?

Best, Chad

Chad DeVeaux

Principal

BARTKO ZANKEL BUNZEL MILLER

One Embarcadero Center, Suite 800

San Francisco, CA 94111
Main: (415) 956-1900

Direct: (415) 291-4536

Fax: (415) 956-1152

cdeveaux@bzbm.com

www.bzbm.com